

4. Defendant Mann Bracken, LLP (hereafter “Defendant”), is a foreign limited liability partnership with an address of 2727 Paces Ferry Road, One Paces West, Suite 1400, Atlanta, Georgia 30339, operating as a collection agency, and is a “debt collector” as the term is defined by 15 U.S.C. § 1692a(6).

5. The names of the individual collectors are unknown but they will be added by amendment when determined through discovery.

FACTUAL ALLEGATIONS

6. Plaintiff incurred a financial obligation that was primarily for family, personal or household purposes, and which meets the definition of a “debt” under 15 U.S.C. § 1692a(5).

7. Thereafter, the debt was purchased, assigned or transferred to Defendant for collection from Plaintiff.

8. The Defendant then began attempts to collect this debt from the Plaintiff, which was a “communication” as defined in 15 U.S.C. § 1692a(2).

9. The Plaintiff and the original creditor negotiated for and arranged a settlement plan whereby the Plaintiff agreed to pay \$1,680.00 in satisfaction of the debt.

10. On November 17, 2008, the Plaintiff received a letter from the original creditor advising her of receipt of her final payment in the amount of \$1,680.00, and further informing her that her account was closed.

11. The Plaintiff received a second letter from the original creditor on November 17, 2008, informing her that her account was past due and would be sent to collection if payment was not remitted.

12. After attempting to contact the original creditor on several occasions to clear the discrepancy, the Plaintiff received a notice from the original creditor, dated December 4, 2008, stating that she had been approved for a settlement offer of \$963.00 as full satisfaction of her original debt which was in the amount of \$1,375.89.

13. On December 19, 2008, the Plaintiff received a letter from the Defendant stating that the Defendant was collecting \$1,375.89 for the Plaintiff's original creditor.

14. The Plaintiff provided all documentation to the Defendant stating that her account had been paid and was closed.

15. The Defendant attempted to collect an amount not authorized by agreement or permitted by law, in violation of 15 U.S.C. § 1692f(1).

16. Despite disputing the debt, the Defendant failed to communicate that information to credit reporting agencies, in violation of 15 U.S.C. § 1692e(8).

17. The Defendant continued attempts to collect the debt, although the Plaintiff disputed the debt, and the Defendant sent no validation of the debt to the Plaintiff to refute her provided documentation, in violation of 15 U.S.C. § 1692g(b).

18. The Plaintiff has suffered actual damages as a result of these illegal collection communications in the form of humiliation, anger, anxiety, emotional distress, fear, frustration, embarrassment, amongst other negative emotions, as well as suffering from unjustified and abusive invasions of personal privacy at the Plaintiff's home.

COUNT I

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692, *et seq.*

19. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

20. The Defendant failed to report that the debt was disputed, in violation of 15 U.S.C. § 1692e(8).

21. The Defendant attempted to collect an amount unauthorized by agreement or permitted by law, in violation of 15 U.S.C. § 1692f(1).

22. The Defendant failed to cease collection efforts while validating the debt, in violation of 15 U.S.C. § 1692g(b).

23. The foregoing acts and omissions of the Defendant constitute numerous and multiple violations of the FDCPA, including every one of the above-cited provisions.

24. The Plaintiff is entitled to damages as a result of Defendant's violations.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendant:

1. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against Defendant;
2. Statutory damages of \$1,000.00 pursuant to 15 U.S.C. §1692k(a)(2)(A) against Defendant;
3. Costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3) against Defendant;
4. Actual damages from Defendant for the all damages including emotional distress suffered as a result of the intentional, reckless, and/or negligent

FDCPA violations and intentional, reckless, and/or negligent invasions of privacy in an amount to be determined at trial for Plaintiff;

5. Punitive damage; and
6. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: February 9, 2009

Respectfully submitted,

By /s/ Andrea Colender

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